

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

118th Legislative Day

December 3, 1996

PRESIDENT PHILIP:

The regular Session of the 89th General Assembly will please come to order. Will the Members please be at their desks, and will our guests in the gallery please rise. Our prayer today will be given by Pastor Allison Lundeen, Westminster Presbyterian Church, Springfield, Illinois. Pastor Lundeen.

PASTOR ALLISON LUNDEEN:

(Prayer by Pastor Allison Lundeen)

PRESIDENT PHILIP:

Please remain standing for the Pledge of Allegiance. Senator Sieben.

SENATOR SIEBEN:

(Pledge of Allegiance, led by Senator Sieben)

PRESIDENT PHILIP:

Reading of the Journal.

SECRETARY HARRY:

Senate Journals of Tuesday, November 19th; Wednesday, November 20th; and Thursday, November 21st, 1996.

PRESIDENT PHILIP:

Senator Butler.

SENATOR BUTLER:

Mr. President, I move that the Journals just read by the Secretary be approved, unless some Senator has additions or corrections to offer.

PRESIDENT PHILIP:

Senator Butler moves to approve the Journals just read. There being no objection, so ordered. Resolutions.

SECRETARY HARRY:

Senate Resolution 260, offered by Senator Severns and all Members.

Senate Resolutions 261 and 262, by Senator Parker and all Members.

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They're all death resolutions, Mr. President.

PRESIDENT PHILIP:

Consent Calendar. Mr. Secretary, have there been any motions filed?

SECRETARY HARRY:

Yes, Mr. President. The following Members have filed motions with respect to the following bills: House Bill 1249, Senator Petka; House Bill 2406, Senator Dillard; House Bill 2579, Senator Smith; House Bill 2621, Senator Hawkinson; House Bill 2626, Senator Weaver; House Bill 2658, Senator Walsh; House Bill 2809, Senator Hawkinson; and House Bill 3193, Senator Butler.

PRESIDENT PHILIP:

...Chair requests that these motions be printed on the Calendar. So ordered. May I have your attention for one -- one minute? And I would remind all the Members: Motions on veto measures of the House should be filed with the Secretary as soon as possible. Top of page 4. Motions in Writing, Accept Specific Recommendations for Change. House Bill 346. Senator Hawkinson. Mr. Secretary, read the motion, please.

SECRETARY HARRY:

I move to accept the specific recommendations of the Governor as to House Bill 346, in the manner and form as follows:

Amendment to House Bill 346

in Acceptance of Governor's Recommendations

Filed by Senator Hawkinson.

PRESIDENT PHILIP:

Could we have some order, please? Could we please have some order? Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. I do move to accept the Governor's changes to House Bill 346. This bill passed the Senate in the spring by a vote of 53 to nothing. Deals with court security

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officers. And in the funding provision for court security officers and the part of the fine that was going to be used to pay for them, the original bill also added a surcharge to fines paid without a court appearance. Since that would have the unintended effect of depriving municipal governments of some of their share of those fines, the Governor removed that portion of the bill to leave -- intact the current prohibition on assessing fee in cases where fines are paid without a court appearance...

PRESIDENT PHILIP:

Senator Hawkinson. Could we have some quiet, please? This is final passage. Nobody's paying attention. Nobody's listening. So if you could -- if you could hold down all those conversations, we would appreciate. I can't even hear what he's saying. Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. The Governor removed the provisions which would have attached a surcharge to fines paid without a court appearance. The House has accepted this change, and I'm in agreement also and would remove -- would move that we accept the Governor's specific recommendations to House Bill 346.

PRESIDENT PHILIP:

Senator Hawkinson moves to accept the specific recommendations of the Governor on House Bill 346. Any discussion? Any discussion? If not, the question shall be... All those in favor, signify by saying Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Take the record. The question -- the question, there are 56 Ayes, no Nays. The specific recommendations of the Governor as to House Bill 346, having received the required constitutional majority, is declared accepted. House Bill 347. Senator Hawkinson. On page 4 of the Calendar in the Order of Motions... Read the motion.

SECRETARY HARRY:

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I move to accept the specific recommendations of the Governor as to House Bill 347, in manner and form as follows:

Amendment to House Bill 347

in Acceptance of Governor's Recommendations

Filed by Senator Hawkinson.

PRESIDENT PHILIP:

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. House Bill 347 was an agreed bill suggested by the Illinois State Bar Association that amended several Acts. It passed the Senate in the spring by a vote of 55 to nothing. The Governor made a change in the bill because we also passed Senate Bill 1470. Senate Bill 1470 also amended the Adoption Act to relieve State's attorneys from serving as guardian ad litem {sic} (guardians ad litem). Because of the passage of that bill, it was necessary to amend House Bill 347 in -- to make it consistent with those provisions of Senate Bill 1470, providing that a guardian ad litem would be some licensed attorney other than the State's attorney acting in his official capacity. The House has agreed with that change, and so do I, and I would move that we accept the Governor's specific recommendations for change for House Bill 347.

PRESIDENT PHILIP:

Senator Hawkinson moves to accept the specific recommendations of the Governor as to House Bill 347. Any discussion? Any discussion? The question shall be, shall the Senate accept specific recommendations of the Governor as to House Bill 347. All those in favor, vote Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. There are 57 Ayes, no Nays, no voting Present. The specific recommendations of the Governor as to House Bill 347, having received the required constitutional majority, is declared

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accepted. House Bill 548. Senator Cronin. Read the motion.

SECRETARY HARRY:

I move to accept the specific recommendations of the Governor as to House Bill 548, in manner and form as follows:

Amendment to House Bill 548

in Acceptance of Governor's Recommendations

Filed by Senator Cronin.

PRESIDENT PHILIP:

Senator Cronin.

SENATOR CRONIN:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, you may recall that this bill passed with numerous changes in the Prison Reform Act {sic}, or changes that initiated reform to the prison system. Requires all adults to achieve a GED, high school diploma or vocational training. It changes the collection methodology for Violent Crime Victims Assistance funds to make them automatically collected by the circuit clerk, rather than by specific court order. And it incorporates recoupment and discipline language previously stricken, which permits the Illinois Department of Corrections to better control prison behavior and recoup inmate costs. The Governor wanted to keep gang intelligence information confidential, rather than disseminating it. He seeks to more narrowly focus the inmate segregation to gang leaders, because an overwhelming number of inmates are gang-affiliated. He seeks to ensure that constitutional requirements are met regarding the electronic surveillance of gang members. And finally, as to the issue of inmate educational requirements, the Governor cites concerns over the effect of an inmate's inability to pay for the cost of the education and equal protection challenges. His language essentially makes these programs permissive, rather than mandatory. I ask for your favorable consideration.

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PRESIDENT PHILIP:

Senator Cronin has moved to accept the specific recommendations of the Governor as to House Bill 548. Any discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Thank you, Mr. President, Members of the Senate. I just wanted to point out that included in this bill are some measures that we supported last year when we had the now State's Attorney of Cook County, Dick Devine, who came down to Springfield, and with a -- a bipartisan effort, we were able to include the legislation that he had advocated dealing with the problems of gangs in prisons. And so, I think the Governor has made needed changes, but the bulk of his legislation is included in this. And for that reason, I stand to support the Gentleman's motion.

PRESIDENT PHILIP:

Senator Hendon.

SENATOR HENDON:

Thank you, Mr. President. Will the sponsor yield for a question?

PRESIDENT PHILIP:

He indicates he will. Senator Hendon.

SENATOR HENDON:

Senator, can you just refresh my memory on the vote - how the vote went on this bill when it first came out of this Senate?

PRESIDENT PHILIP:

Senator Cronin.

SENATOR CRONIN:

I think it was unanimous, 56 to nothing. And House vote was 115 to nothing.

PRESIDENT PHILIP:

Senator Hendon.

SENATOR HENDON:

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Thank you, Mr. President. Just one more. Is there any provision that allows for some funding for the inmates to be able to get that GED? Because I remember last year there was some question about some of the prisoners were not able to even get into class. So is -- are we saying that they have to get a GED in order to be released? And if that is the case, if they fail to get a GED, will this negatively impact our prison population and make it larger than we can currently control?

PRESIDENT PHILIP:

Senator Cronin.

SENATOR CRONIN:

As I stated in my opening remarks in explaining this bill, the -- this does not require that a GED or high school diploma is mandatory; it's simply permissive. And the reason why that was changed to make it permissive was to take into account people who may not have the ability to pay.

PRESIDENT PHILIP:

Further discussion? If not, the question is, shall the Senate accept specific recommendations of the Governor as to House Bill 548, in the manner and the form just stated by Senator Cronin. All those in favor will signify by voting Aye. Those opposed, Nay. The voting is open. Have -- have you all voted? Have you all voted your wish? Take the record. There are 56 Yeas, no Nays. The specific recommendation of Governor as to House Bill 548, having received the required constitutional majority votes of the Senators elected, are declared accepted.

PRESIDING OFFICER: (SENATOR DeANGELIS)

For what purpose does Senator Madigan seek recognition?

SENATOR MADIGAN:

Thank you, Mr. President. Point of personal privilege.

PRESIDING OFFICER: (SENATOR DeANGELIS)

State your point, Senator.

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SENATOR MADIGAN:

Thank you, Mr. President. Today is the sixty-sixth birthday of a colleague of mine whom I've sat next to for ten years. And, Senator Woodyard, I've -- I've had the pleasure of doing this for the last ten years and I hope that we can continue to have this pleasure as well. Happy birthday, Senator Woodyard.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Madigan.

SENATOR MADIGAN:

And Senator Woodyard also invites everyone down to the well. There's plenty of cake for everyone today.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Thank you. On page 2 of today's Calendar, there is Secretary's Desk, Non-concurrence, House Bill -- is House Bill 2918. Senator Peterson, do you wish to proceed? Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 2918, with Senate Amendment 1.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Peterson.

SENATOR PETERSON:

Thank you, Mr. President. I refuse to recede from Amendment 1 to House Bill 2918.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Peterson moves that the Senate refuse to recede from the adoption of Senate amendment to House Bill 2918 and that a conference committee be appointed. All those in favor, signify by saying Aye. Opposed, say Nay. The Ayes have it. The motion carries, and the Secretary shall so inform the House. A Supplemental Calendar is being distributed. As soon as it is, we will be going to that order of business. Mr. Secretary, have there been any motions filed?

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SECRETARY HARRY:

Yes, Mr. President. Senator Fawell has filed a motion with respect to House Bill 378, and Senator Luechtefeld has filed a motion with respect to House Bill 1645.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Mr. Secretary, the Chair requests that these motions be printed on the Calendar. So ordered. We will now proceed to the Order of Supplemental Calendar No. 1. House Bill 1249, on page 2. Senator Petka. ...page 2 of Supplemental Calendar No. 1 is the Order of Motions in Writing to Accept Specific Recommendations for Change. Senator Petka, on House Bill 1249? Read the bill, Mr. Secretary.

SECRETARY HARRY:

I move to accept the specific recommendations of the Governor as to House Bill 1249, in manner and form as follows:

Amendment to House Bill 1249

in Acceptance of Governor's Recommendations

Filed by Senator Petka.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Petka.

SENATOR PETKA:

Thank you very much, Mr. Speaker {sic} and Members of the Senate. The Governor, in his veto message, recommended certain changes dealing with good-time credit and also dealing with the authority over conduct of the prisoners. I think that the -- the recommendations are reasonable, and I would ask for concurrence.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Welch.

SENATOR WELCH:

I have a question of the sponsor.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor says he will yield.

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SENATOR WELCH:

Senator Petka, in the Governor's recommendation, he eliminated the requirement that there be a public reporting of gang activity and that that report only be made to the Governor. Now, why shouldn't we legislators find out about what gang activity is going on in the prisons in the State of Illinois?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Petka.

SENATOR PETKA:

I think the -- the rationale that was used, and something that I accept, is the fact that the -- the activities that are taking place -- that the actions that should be taken against gang activities should enjoy some form of confidentiality, because after all, we -- we can possibly create harm to those individuals who may be informing upon the activities of the gangs.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Welch.

SENATOR WELCH:

Well -- well, I had a hard time hearing most of that. But... Could he repeat that? I -- I really couldn't hear what he said, frankly.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Petka, would you repeat your answer?

SENATOR PETKA:

The -- the primary focus, dealing with activities of the gangs, that the Governor has focused in on deals with maintaining confidentiality of ongoing investigations. There are, within the prisons, informant networks. And to have public disclosure of certain types of investigative activities, in my opinion, is not in the best interests of, first of all, successfully prosecuting gang activity within the prison and, second of all, of shielding informants from other gang members within the walls. It is --

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it's a -- it's a close call, but in my opinion, the -- the suggestion of the Governor, in this instance, makes sense.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Welch.

SENATOR WELCH:

The Governor's message also talks about limiting the gang segregation to major gang leaders. Why aren't we dispersing these gangs and keeping them separate? Why don't we move them from prison to prison and -- and keep them from being as organized as they can be? Could you answer that question?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Petka.

SENATOR PETKA:

Well, I -- I really don't have an answer for you, Senator, so I won't.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Welch.

SENATOR WELCH:

I didn't hear him. I'm sorry. What -- what was the answer?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Petka, would you repeat your answer...

SENATOR PETKA:

The answer was that I do not have an answer to your question, Senator.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Welch.

SENATOR WELCH:

Well, that's what I figured. You know, we've -- we've had these hearings on prison reform all throughout the year. And what's happened? Well, we've learned that the gangs are running the prisons. And now, when we try to investigate, well, "Oh, this is too sensitive for us legislators to deal with." "We can't give

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this to the legislators." But when their budget comes along, oh yeah, well we can fund them, but we can't ask what the money's going for. You know, we've had testimony at these hearings that the gangs are running the prisons. How long is this going to go on? It's gone on for twenty years, and it's time for it to end. This just -- this is absolutely ridiculous that we cannot get the information about these prisons so we can do something about it. Thank you.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Petka, to close.

SENATOR PETKA:

I would urge acceptance of the amendatory veto.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Petka has moved to accept the specific recommendations of the Governor as to -- to House Bill 1249. The question is, shall the Senate accept the specific recommendations. All those in favor will vote Aye. All opposed will vote Nay. And the voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that issue, there are 53 Ayes, none voting Nay, 2 voting Present. The specific recommendations of the Governor as to House Bill 1249, having received the required constitutional majority vote of Senators elected, are declared accepted. We will return to the Supplemental Calendar in just a moment, pending the reading of the Rules Committee Report. Committee Reports.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports the following Legislative Measures have been assigned: Referred to the Committee on Education - Senate Amendment 4 to House Bill 207, Senate Amendment 4 to House Bill 995; referred to the Committee on Executive Appointments {sic} (Executive) - Senate Resolutions 248 and 252; referred to the Committee on Insurance, Pensions and

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Licensed Activities - Conference Committee Report 1 to House Bill 632; and Be Approved for Consideration - Senate Bill 761, House Bill 207, House Bill 434 {sic} and House Bill 995.

PRESIDING OFFICER: (SENATOR DeANGELIS)

We will now return to Supplemental Calendar No. 1. And on page 2 is House Bill 2579. Senator Smith? Senator Smith? House Bill 2579? Read the bill, Mr. Secretary. Read the motion, Mr. Secretary.

SECRETARY HARRY:

I move to accept the specific recommendations of the Governor as to House Bill 2579, in manner and form as follows:

Amendment to House Bill 2579

in Acceptance of Governor's Recommendations

Filed by Senator Smith.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Smith.

SENATOR SMITH:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I merely want to state that my bill, 2579, is technical in nature, and it was... Its proponent -- and supported by the Department of Public Health. It was merely a technical, and carried in the House 116 to nothing, which was -- accepted amendatory veto. The proponents in this legislation is the Department of Health of -- Mercy Hospital, Chicago. And as I stated before, the veto is technical in nature and maintains the intent of House Bill 2579, which is to screen individuals for stress. I ask approval.

PRESIDING OFFICER: (SENATOR DeANGELIS)

The question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 2579, in the manner and form just stated by Senator Smith. Those in favor will vote Aye, and the opposed will vote No. And the voting is now

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open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, none voting Nay, none voting Present. The specific recommendations of the Governor as to House Bill 2579, having received the required constitutional majority vote of Senators elected, are hereby accepted. On Supplemental Calendar No. 1 is House Bill 2621. Senator Hawkinson. Read the motion, Mr. Secretary.

SECRETARY HARRY:

I move to accept the specific recommendations of the Governor as to House Bill 2621, in manner and form as follows:

Amendment to House Bill 2621

in Acceptance of Governor's Recommendations

Filed by Senator Hawkinson.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. This bill originally created a graduated penalty structure for the possession or sale of counterfeit products, and it had a forfeiture provision in it. The Governor made three changes to the bill, which -- with which I'm in agreement. The first, there was a proportionality problem with the sentences in repeat offenses, and the Governor corrected that scale of penalties. Senator Cullerton will be interested that the Governor included a mental state - "knowingly" - for the -- for a violation of the Act. And finally, the forfeiture Section in the provision was not consistent with the forfeiture provisions of our other criminal laws, and he amended that Section to reference Article 36 of the Criminal Code, which is the current forfeiture provision. I agree with these changes and would move that we accept the Governor's recommendations for change to House Bill 2621.

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PRESIDING OFFICER: (SENATOR DeANGELIS)

The question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 2621, on the manner and form just stated by Senator Hawkinson. Those in favor will vote Aye. Those opposed will vote Nay. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, none voting Nay, none voting Present. The specific recommendations of the Governor as to House Bill 2621, having received the required constitutional majority, are declared accepted. For what purpose does Senator Madigan rise?

SENATOR MADIGAN:

Thank you, Mr. President. Purpose of an announcement.

PRESIDING OFFICER: (SENATOR DeANGELIS)

State your announcement, Senator.

SENATOR MADIGAN:

Thank you, Mr. President. The Senate Committee on Insurance, Pensions and Licensed Activities Committee will meet in Room 400, at the hour of 3:30, to consider Conference Committee Report No. 1 to House Bill No. 632.

PRESIDING OFFICER: (SENATOR DeANGELIS)

On Supplemental Calendar No. 1 is House Bill 2626. Senator Weaver. Senator Weaver? Read the motion, Mr. Secretary.

SECRETARY HARRY:

I move to accept the specific recommendations of the Governor as to House Bill 2626, in manner and form as follows:

Amendment to House Bill 2626

in Acceptance of Governor's Recommendations

Filed by Senator Weaver.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Weaver.

SENATOR WEAVER:

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Thank you, Mr. President. This merely clarifies who may carry weapons, as designated in the bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

The question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 2626, in the manner and form just described by Senator Weaver. Those in favor will vote Aye. The opposed will vote Nay. And the voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, none voting Nay, and none voting Present. The specific recommendations of the Governor as to House Bill 2626, having required -- received the required constitutional majority, is declared accepted. House Bill 2658. Senator Walsh. Read the motion, Mr. Secretary.

SECRETARY HARRY:

I move to accept the specific recommendations of the Governor as to House Bill 2658, in manner and form as follows:

Amendment to House Bill 2658

in Acceptance of Governor's Recommendations

Filed by Senator Walsh.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Walsh.

SENATOR WALSH:

Thank you, Mr. President. House Bill 2658 passed the Senate 46 to 5 to 3. The bill, as passed, prohibit third -- third parties from filing a petition for post-conviction relief, executive clemency, or habeas corpus, without the permission of the affected inmate. The -- the legislation is limited to death penalty cases. The Governor simply adds a Section to it, and I'll read what the Section says: "Nothing in this Section shall be construed to limit the power of the Governor under the constitution to grant a reprieve, commutation of sentence, or

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pardon." And I would agree the Governor's veto.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

On a point -- I wanted to address to you earlier to tell you that the prior bill, that I was going to vote for it, and I was distracted. So, if I were voting, I'd vote -- I would have vote Aye.

PRESIDING OFFICER: (SENATOR DeANGELIS)

The record will so note. The question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 2656, in the manner and form just stated by Senator Walsh - 2658. All those in favor will vote Aye. The opposed will vote Nay. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, none voting Nay, none voting Present. And the specific recommendations of the Governor as to House Bill 2658, having received the required constitutional majority vote of Senators elected, is declared accepted. House Bill 2809. Senator Hawkinson. Read the motion, Mr. Secretary.

SECRETARY HARRY:

I move to accept the specific recommendations of the Governor as to House Bill 2809, in manner and form as follows:

Amendment to House Bill 2809

in Acceptance of Governor's Recommendations

Filed by Senator Hawkinson.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. House Bill 2809, among other things, attempted to ease the burden on counties, in terms of publishing delinquent taxes where there had been delinquency over

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ten years on leaseholds, and it was addressed primarily where you had publicly owned property, such as an airport hangar or a small portion of a transportation right-of-way, which had been leased out and the taxes on that leasehold not paid and the entity that had been leasing it is out of business, and the county was required to publish over and over and over again. This bill passed without any opposition; however, the Governor noted that the language, in terms of the publication, might be construed to make it more difficult to collect delinquent taxes on mineral rights on privately owned property. And so he deleted that portion of the bill, which limits it now only to publicly owned property in the situations to which it was addressed in the first place. The House has accepted these changes, and I agree with them and would move that we accept the Governor's specific recommendations for change to House Bill 2809.

PRESIDING OFFICER: (SENATOR DeANGELIS)

The question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 2809, in the manner and form just stated by Senator Hawkinson. All those in favor, vote Aye. The opposed will vote Nay. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 20 -- 58 Ayes, none voting Nay, none voting Present. House Bill 2808, having received the recommendations of the Senator -- of the Governor as to House Bill 2808, having received the required constitutional majority, is declared accepted - 2809. Got to get new glasses. House Bill 3193. Senator Butler. Read the motion, Mr. Secretary.

SECRETARY HARRY:

House Bill 3193. I move to accept the specific recommendations of the Governor as to House Bill 3193, in manner and form as follows:

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Amendment to House Bill 3193

in Acceptance of Governor's Recommendations

Filed by Senator Butler.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Butler.

SENATOR BUTLER:

Thank you, Mr. President. The original bill amended the Toxic Substance Disclosure to Employees Act by changing the definition to more follow the federal law. However, the Governor did find a flaw -- a technical problem, a flaw, with the bill. It was intended to delete a requirement that businesses annually submit to the Department of Labor Material Data Sheet {sic} (Material Safety Data Sheet). Unfortunately, the bill did not do that, and the amendatory veto corrects that problem. This is a technical correction. It should be accepted. It came out of the House 112 to zip. I would move to accept the specific recommendations of the Governor.

PRESIDING OFFICER: (SENATOR DeANGELIS)

The question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 3193, in the manner and form just stated by Senator Butler. All those in favor, vote Aye. The opposed, vote Nay. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, none voting Nay, and none voting Present. The specific recommendations of the Governor as to House Bill 3193, having received the required constitutional majority of the Senators elected, is declared accepted. On your desk, you will find Supplemental Calendar No. 2. We will now move to that order of business. On Supplemental Calendar No. 2 is House Bill 378. Senator Fawell. Read the motion...

SECRETARY HARRY:

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I move to accept the specific recommendations of the Governor as to House Bill 378, in manner and form as follows:

Amendment to House Bill 378

in Acceptance of Governor's Recommendations

Filed by Senator Fawell.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Fawell.

SENATOR FAWELL:

Thank you very much. This is a House transportation bill, and the Governor's objection was to the provision which allows new and used auto dealer plates to be attached only to the rear of the vehicle, instead of both the front and the rear of the vehicle. I move to accept the Governor's amendatory veto.

PRESIDING OFFICER: (SENATOR DeANGELIS)

The question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 378, in the manner and form just stated by Senator Fawell. All those in favor will vote Aye. The opposed will vote Nay. And the voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 53 Ayes, 3 Nays, and 1 voting Present. The specific recommendations of the Governor as to House Bill 378, having received the required constitutional majority, is declared accepted. Senator Geo-Karis. ...Supplemental Calendar No. 2 is House Bill 1645. Senator Luechtefeld. Senator Luechtefeld? Read the motion, Mr. Secretary.

SECRETARY HARRY:

I move to accept the specific recommendations of the Governor as to House Bill 1645, in manner and form as follows:

Amendment to House Bill 1645

in Acceptance of Governor's Recommendations

Filed by Senator Luechtefeld.

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PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

In the Governor's message, he expresses concern on the effect of the bill on mine subsidence and flooding. In either case, he states that it is not good public policy to encourage rebuilding on the same location. Therefore, the Governor specifically excludes flooding, unless the structure is located within the local jurisdiction which is participating in the National Flood Insurance Program. The Governor also shortens the allowable rebuilding period from two -- four years to two years. I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Palmer.

SENATOR PALMER:

Thank you, Mr. President. I just want to stand in support of these changes - I think they make good sense: The Governor's argument that homes should be rebuilt in two years and, also, that it makes sense not to rebuild immediately on land that has really not settled yet. So I support this, and I hope that we will make the changes.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Welch. The question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 1645, in the manner and form just stated by Senator Luechtefeld. All those in favor will vote Aye. The opposed will vote Nay. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, none voting Nay, and none voting Present. The specific recommendations of the Governor as to House Bill 1645, having received the required constitutional majority, is declared accepted. For what purpose does Senator Weaver seek recognition?

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SENATOR WEAVER:

For purpose of an announcement.

PRESIDING OFFICER: (SENATOR DeANGELIS)

State your announcement, Senator.

SENATOR WEAVER:

There'll be a Rules Committee meeting at 2:30, in my office.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Rules Committee at 2:30, Senator Weaver's Office. Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. Purposes of an announcement.

PRESIDING OFFICER: (SENATOR DeANGELIS)

State your announcement.

SENATOR HAWKINSON:

The Judiciary Committee, originally scheduled for 1 o'clock, will convene immediately upon adjournment of the Senate. If the Members would get up there, we'll try and conclude our business expeditiously.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Woodyard.

SENATOR WOODYARD:

Thank you, Mr. President. For the purpose of an announcement: The reconvened meeting of the Senate Agriculture, Conservation Committee will convene at 3 o'clock in Room 212. There's only one bill. I think the concerns have been worked out, and we could make it a very short meeting. 3 o'clock.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Butler.

SENATOR BUTLER:

Thank you, Mr. President. Just a reminder that the Commerce and Industry Committee meeting has been rescheduled for tomorrow morning at 11 a.m., Room 400.

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PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. -- thank you, Mr. President. Just an announcement: that the Executive Committee will meet immediately following adjournment today, in Room 212. We have one bill - very short. We should be out of there in less than five minutes if everybody is there on time.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President. Just a -- for purposes of announcement: The Energy and Environment -- or, the Environment and Energy Telecommunications Subcommittee will meet at 3:30 p.m., in Room 212, here in the Capitol.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Mr. President. As a matter of information: The Executive Appointments Committee will be meeting tomorrow morning at 8:30. Thank you.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Introduction of Bills.

SECRETARY HARRY:

Senate Bill 1958, offered by Senator Trotter.

(Secretary reads title of bill)

1st Reading of the bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Resolutions.

SECRETARY HARRY:

Senate Resolution 263, offered by Senator Jones and all Members.

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And Senate Resolution 264, offered by Senators Jones, Philip and all Members.

They're both death resolutions, Mr. President.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Consent Calendar. The Senate will stand in recess to allow committee reports to be read into the record. Tomorrow - tomorrow - the Senate will reconvene at noon. Is there any further business to come before the Senate? We have concluded our business for the day. Senator Demuzio.

SENATOR DEMUZIO:

We're not -- we're not going to be conducting any business other than just coming back to read in the reports. Is that right? Thank you.

PRESIDING OFFICER: (SENATOR DeANGELIS)

That is correct, Senator Demuzio. The Senate will stand in recess and reconvene at 12 o'clock, tomorrow, noon.

(SENATE STANDS IN RECESS)

(SENATE RECONVENES)

PRESIDENT PHILIP:

The Senate will please come to order. Committee Reports.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports the following Legislative Measures have been assigned: Referred to the Committee on Education - Senate Amendment 5 to House Bill 207; to the Committee on Executive - Conference Committee Report 1 to Senate Bill 1766.

Senator Karpriel, Chair of the Committee on Executive, reports

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House Bill 444 Do Pass, as Amended.

Senator Hawkinson, Chair of the Committee on Judiciary, reports Senate Bill 1684, the First Conference Committee Report, Be Approved for Consideration; House Bill 365 Do Pass, as Amended; and House Bill 1131 Do Pass.

Senator Woodyard, Chair of the Committee on Agriculture and Conservation, reports House Bill -- or, 2963 Do Pass, as Amended.

And Senator Madigan, Chair of the Committee on Insurance, Pensions and Licensed Activities reports House Bill 632, the First Conference Committee Report, Be Approved for Consideration.

PRESIDENT PHILIP:

Message from the House.

SECRETARY HARRY:

Message from the House by Mr. McLennand, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has refused to concur with the Senate in the adoption of their amendments to a bill of the following title, to wit:

House Bill 2702, with Senate Amendments 2, 3 and 4.
Non-concurred in by the House, December 3rd, 1996.

PRESIDENT PHILIP:

If there's no further business to come before the Senate, Senator Weaver moves the Senate stand adjourned until noon on Monday -- excuse me -- on -- noon on Wednesday, December 4th.

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